

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CLARENCE C. HOUSER, JR.,)	
)	
Plaintiff,)	Civil Action No. 12-1024
)	
v.)	Judge Cathy Bissoon
)	
PATRICK DONAHOE,)	
)	
Defendant.)	

ORDER

On January 3, 2013, Plaintiff filed what appears to be an amended complaint. *See* Doc. 7. Because Plaintiff already once has filed an Amended Complaint as a matter of course under Federal Rule of Civil Procedure 15(a)(1), *see* Doc. 5, leave of Court is required for Plaintiff to make further amendment. *See* Fed. R. Civ. P. 15(a)(2).

Accordingly, Plaintiff's current submission (Doc. 7) hereby is construed as a request for leave to amend, and that request is granted. Because Plaintiff's submission already has been docketed at Doc. 7 as an amended complaint, the Amended Complaint is deemed filed at that number.

In addition, the Court notes that it has been unable to determine, based on Plaintiff's "Proof of Service" form (Doc. 4) filed in connection with the original Complaint, whether Defendant has been properly served in this case. Plaintiff recently has presented to the Clerk of Court a new summons, and the Clerk issued the summons to Plaintiff on January 3, 2013. As Plaintiff already appears to be aware, this case cannot proceed until service on Defendant properly has been effectuated.

IT IS SO ORDERED.

January 7, 2013

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via First-Class U.S. Mail):

Clarence C. Houser, Jr.
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